

BOARD OF SELECTMEN

Minutes of the Meeting of 20 September 2006 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Kopko and Whiting Willauer. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. The Board wished Town Administrator Libby Gibson a happy birthday.

Public Comment. None.

Approval of Minutes of 6 September 2006 at 6:00 PM. Mr. Chadwick asked about the inclusion of drug testing on a future Board agenda as he had originally requested on 6 September 2006. Mr. Kopko asked for a vote on the matter. Mr. Chadwick moved to schedule a discussion on the merits of voluntary drug testing of Board members as a "show of leadership by example." Mr. Bennett asked Town Counsel Paul DeRensis to comment on the constitutionality of such a program. Chairman Willauer questioned the usefulness of such a program, but called for a vote. Mr. Chadwick voted in favor and Chairman Willauer, Mr. Bennett and Mr. Kopko voted in opposition. Mr. Bennett moved to approve the minutes. Mr. Kopko seconded. So voted.

Approval of Payroll Warrant for Week Ending 17 September 2006. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 20 September 2006. The Board approved the treasury warrant and pending contracts by unanimous consent.

Public Hearings

1. Public Hearing to Consider Amending the Entertainment License for CJ Roche, Inc d/b/a Cap'n Tobey's, Chris Roche, Manager, for the Premises Located at 20 Straight Wharf. Chairman Willauer opened the public hearing. Chris Roche spoke in support of adding a karaoke machine to the premises, noting that amplified music would result. Acting Fire Chief Mark McDougall commented on the current status of the premises as a restaurant and the potential for crossing the line to be classified as a nightclub. He stated that classification as a nightclub has specific sprinkler system and other requirements and that code requirements have been enforced for various other establishments classified as nightclubs. Mr. Roche stated that he had not pursued the installation of a sprinkler system and that the premises owner had not approved it. Mr. Chadwick asked Mr. DeRensis to provide a definition of "nightclub." Mr. Chadwick moved to continue the public hearing to October 18, 2006 pending receipt of information from Town Counsel on the definition and related laws. Mr. Kopko seconded. So voted.

2. Public Hearing to Consider Amendments to the Town of Nantucket Taxi Regulations. Chairman Willauer opened the public hearing and referred to the list of items to be addressed. Police Chief Bill Pittman spoke about the workgroup suggestions based on issues raised over time concerning taxis. He specified that the Police Department receives calls concerning fares and explained the value of installed meters. Attorney Steve Cohen, representing the Nantucket Taxi Association, noted the opposition of his clients to a change to meters if it eliminated the charge method currently based on zones. Discussion followed on requirements for calibration, the

possibility of using GPS meters and concerns about potential downtime. Wendy Watts of Chief's Cab shared concerns she noted had been previously provided in writing and suggested a one-year waiver of the taxi license fee if meter purchases will be required. Mr. Chadwick suggested the Taxi Association might acquire extra meters for use as back up if needed. David Glidden defended the current system. Diane Coombs spoke on the cost of doing business. Mr. Bennett moved to continue the discussion about meters to November 15, 2006 pending collection of further information. Mr. Kopko asked for and received Board consent to amend the motion to include that staff would explore meter options and then seconded the motion. So voted.

Chairman Willauer opened the discussion on obtaining taxi operator's licenses. Mr. Cohen noted his recent helpful meeting with the Town Administrator and offered to assist in further development of the regulations. Discussion followed on the possibilities for numbers and types of licenses awarded, the taxi license waiting list and the pros and cons of a medallion system versus a lottery. Town Clerk Catherine Stover noted that "taxis are for the public good and convenience" and spoke regarding the need for a policy regarding the waiting list.

Chairman Willauer opened the discussion on the criteria for turning in a license. Mr. Cohen advised that his questions centered around local residency. Chairman Willauer requested comments on license transfers. Attorney David Lawler spoke against removing rights to transfers.

Chairman Willauer asked for comments regarding license control. Bill Brown spoke on the worth of "portable" operator permits. Chairman Willauer indicated that other items would be reviewed internally. He asked for other comments. Mr. Bennett moved to close the public hearing. Mr. Kopko seconded. So voted. It was generally agreed that staff would return at a future date with further information.

Town Administrator's Report

1. Request for Waiver from Noise Bylaw for Work in Connection with Phase II Infiltration/Inflow Project; Brant Point Infiltration/Inflow Project; and Phase I Stormwater Drainage Improvement Project. DPW Director Jeff Willet reviewed the details of the request involving two areas. For the request involving soil borings in the commercial district for the I/I Rehabilitation project, the Board consented to allow work to commence at 7:00 AM rather than 7:30 AM for a 14-day period beginning September 21, 2006. For the request involving the Brant Point rehabilitation and water main replacement project, the Board consented to allow work to begin at 8:00 AM, stipulating that no 24-hour diesel generators be allowed. As per Mr. Kopko's suggestion, which he noted he had reviewed with the contractor, electric generators may be used during the hours of 10:00 PM and 7:30 AM.

Selectmen's Reports/Comment

1. Adoption of Selectmen Recommendations to October 23, 2006 Special Town Meeting Warrant Articles. Chairman Willauer reviewed the articles in sequence, noting the Board's recommendations. Ms. Gibson provided a draft warrant including selectmen's recommendations as discussed at the September 18th meeting. Mr. Kopko moved to adopt the draft recommendation

Minutes of the Meeting of 20 September 2006
Page III

to Article 1 indicating support of the Planning Board motion, omitting the words "including tax implications" in noting that further review is required. Mr. Bennett seconded. So voted.

The Board consented to approve its recommendations for Articles 2-10 to support the Planning Board motions for each. Mr. Kopko moved to support the Planning Board motion for Article 11. Mr. Bennett seconded. So voted.

Mr. Kopko moved that the Board of Selectmen support the Planning Board motion for Article 12 and further to urge applicable residents to provide reasonable recommendations to address growth in the specified area. Mr. Bennett seconded. So voted.

Ms. Gibson shared a draft letter from the Board of Selectmen to the Planning Board regarding Article 13. Mr. Kopko moved to adopt language omitting mention of support for the Planning Board motion, stating only "The Board has asked the Planning Board to reconsider its motion and schedule a new public hearing on the matter prior to the October 23, 2006 Special Town Meeting." Mr. Chadwick seconded. So voted.

Mr. Chadwick moved that the Board support the Planning Board motion for Article 14. Mr. Kopko seconded. So voted.

Mr. Vorce asked for an amendment to the recommendation for Article 15 to match the one for voted for Article 14. Mr. Chadwick so moved. Mr. Kopko seconded. So voted.

The Board consented to support the Planning Board motion for Article 16.

Mr. Chadwick moved that the Board support the Finance Committee motion for Articles 17 and 18. Mr. Kopko seconded. So voted.

Mr. Kopko moved to support the Finance Committee motion for Article 19. Mr. Chadwick questioned the intent of the funding. Chairman Willauer seconded the motion. So voted with Mr. Chadwick opposed. Mr. Kopko moved to support the Finance Committee motion on Article 20. Mr. Bennett seconded. So voted.

Discussion followed on the Finance Committee's motion to take no action on Article 21. Mr. Chadwick moved to support the Finance Committee motion for Article 21. Mr. Kopko seconded. So voted. The Board consented to support the Finance Committee motion for Article 22.

Mr. Kopko provided the Sewer Advisory Committee recommendation regarding sewer districts. The Board consented to support the Finance Committee motion for Article 23.

Mr. Kopko moved to support the Finance Committee motion for Article 24. Mr. Chadwick seconded. So voted.

2. Adoption of October 31, 2006 Special Town Election Warrant. Ms. Gibson advised that the election warrant as finalized includes a minor wording change. Mr. Bennett moved to approve the election warrant as amended. Chairman Willauer seconded. So voted.

3. Approval of Capital Projects Requests for Fiscal Year 2008. Ms. Gibson referenced her previous presentation on September 13, 2006. She reviewed tax rate information pending changes as the process proceeds. Mr. Chadwick moved to endorse the Town Administrator's recommendations. Mr. Kopko seconded. So voted. Ms. Gibson reviewed details of several requests with the Board. She also reviewed the employee housing concept that came out of the Board's goals discussions and the corresponding real estate item for \$1.2 million for a house or real estate purchase. She reviewed the next steps in the review process.

Selectmen Comments. Chairman Willauer announced the availability of grant funds from the Cultural Council with applications due October 16, 2006.

Mr. Chadwick asked to schedule a workshop meeting on the Board's priorities, goals and objectives. Chairman Willauer consented to do so.

Mr. Chadwick asked about a request to the Beach Management Advisory Committee regarding easement grantors and accepted uses due to "property owner concerns." Mr. Chadwick moved to send the question to the Beach Management Advisory Committee pertaining to the use of potential easement property. Mr. Kopko seconded. So voted.

Mr. Chadwick presented a question on the comfort stations that close at 8:00 PM. Ms. Gibson explained that the 8:00 PM closure has to do with funding and the potential for vandalism if kept open later than that.

Mr. Kopko commented on the need for a study/survey of Town employees regarding housing needs to share with the Finance Committee and to help in developing a housing policy.

Mr. Chadwick asked for a policy decision on the use of the Town website for private links, which he felt should be discouraged. Chairman Willauer agreed.

The meeting adjourned at 8:36 PM.

Approved the 18th day of October 2006.